

Senate File 370 - Introduced

SENATE FILE 370

BY SORENSON

A BILL FOR

1 An Act authorizing refusal of vaccinations and immunizations.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135.141, subsection 2, paragraph f, Code
2 2011, is amended to read as follows:

3 f. Coordinate the location, procurement, storage,
4 transportation, maintenance, and distribution of medical
5 supplies, drugs, antidotes, and vaccines to prepare for or in
6 response to a public health disaster, including receiving,
7 distributing, and administering items from the strategic
8 national stockpile program of the centers for disease control
9 and prevention of the United States department of health and
10 human services. The provisions of this paragraph relating
11 to distribution of vaccines in response to a public health
12 disaster shall not require the vaccination of any person who
13 refuses the vaccination.

14 Sec. 2. Section 135.142, subsection 1, Code 2011, is amended
15 to read as follows:

16 1. The department may purchase and distribute antitoxins,
17 serums, vaccines, immunizing agents, antibiotics, and other
18 pharmaceutical agents or medical supplies as deemed advisable
19 in the interest of preparing for or controlling a public
20 health disaster. The provisions of this subsection relating
21 to distribution of vaccines in response to a public health
22 disaster shall not require the vaccination of any person who
23 refuses the vaccination.

24 Sec. 3. Section 135.144, subsection 6, Code 2011, is amended
25 to read as follows:

26 6. Vaccinate or order that individuals be vaccinated
27 against an infectious disease and to prevent the spread of
28 communicable or potentially communicable disease. Vaccinations
29 shall be administered by any qualified person authorized to do
30 so by the department. The vaccination shall not be provided
31 or ordered if it is reasonably likely to lead to serious
32 harm to the affected individual or the individual refuses
33 the vaccination. To prevent the spread of communicable or
34 potentially communicable disease, the department may isolate or
35 quarantine, pursuant to chapter 139A and the rules implementing

1 chapter 139A and this division of this chapter, any person who
2 is unable or unwilling to undergo vaccination pursuant to this
3 subsection.

4 Sec. 4. Section 135.146, subsection 2, Code 2011, is amended
5 to read as follows:

6 2. Participation in the vaccination program shall be
7 voluntary, except for first responders who are classified
8 as having occupational exposure to blood-borne pathogens as
9 defined by the occupational safety and health administration
10 standard contained in 29 C.F.R. § 1910.1030. First responders
11 who are so classified shall be required to receive the
12 vaccinations as described in subsection 1. A first responder
13 shall be exempt from this requirement, however, when a written
14 statement from a licensed physician is presented indicating
15 that a vaccine is medically contraindicated for that person
16 or the first responder signs a written statement that the
17 administration of a vaccination conflicts with religious tenets
18 or that the vaccination is refused.

19 Sec. 5. Section 139A.8, subsection 4, Code 2011, is amended
20 to read as follows:

21 4. ~~a.~~ Immunization is not required for a person's
22 enrollment in any elementary or secondary school or licensed
23 child care center if ~~either~~ any of the following applies:

24 ~~(1)~~ a. The applicant, or if the applicant is a minor, the
25 applicant's parent or legal guardian, submits to the admitting
26 official a statement signed by a physician, advanced registered
27 nurse practitioner, or physician assistant who is licensed by
28 the board of medicine, board of nursing, or board of physician
29 assistants that the immunizations required would be injurious
30 to the health and well-being of the applicant or any member of
31 the applicant's family.

32 ~~(2)~~ b. The applicant, or if the applicant is a minor, the
33 applicant's parent or legal guardian, submits an affidavit
34 signed by the applicant, or if the applicant is a minor,
35 the applicant's parent or legal guardian, stating that the

1 immunization conflicts with the tenets and practices of a
2 recognized religious denomination of which the applicant is an
3 adherent or member.

4 c. The applicant, or if the applicant is a minor, the
5 applicant's parent or legal guardian, submits an affidavit
6 signed by the applicant, or if the applicant is a minor,
7 the applicant's parent or legal guardian, stating that the
8 immunization is refused.

9 ~~b. The exemptions under this subsection do not apply in~~
10 ~~times of emergency or epidemic as determined by the state board~~
11 ~~of health and as declared by the director of public health.~~

12 EXPLANATION

13 This bill authorizes persons to refuse vaccinations
14 and immunizations by amending Code provisions containing
15 vaccination requirements.

16 The portion of Code section 135.141, relating to the duties
17 of the department of public health concerning the division of
18 acute disease prevention and emergency response and requiring
19 the department to coordinate distribution of vaccines during
20 a public health disaster, is amended to prohibit required
21 vaccination of any person who refuses the vaccination. Code
22 section 135.142, relating to purchase of health care supplies
23 relating to a public health disaster, is similarly amended.

24 Code section 135.144, relating to additional duties of the
25 department during a public health disaster and specifically
26 authorizing the department to provide or order vaccinations, is
27 amended to prohibit providing or ordering vaccination of any
28 person who refuses the vaccination.

29 Code section 135.146, establishing a first responder
30 vaccination program and requiring first responders who are
31 classified as having occupational exposure to blood-borne
32 pathogens, as defined by federal requirements, to receive
33 vaccinations unless medically contraindicated or in conflict
34 with a religious tenet of the first responder, is amended
35 to allow the first responder to refuse by signing a written

1 statement.

2 Code section 139A.8, listing immunizations required
3 of children enrolling in an elementary school, secondary
4 school, or licensed child care center, is amended to allow
5 enrollment if the applicant, or if the applicant is a minor,
6 the applicant's parent or legal guardian, submits an affidavit
7 signed by the applicant, or if the applicant is a minor,
8 the applicant's parent or legal guardian, stating that the
9 immunization is refused. In addition, the bill repeals
10 authority to eliminate immunization exemptions during times
11 of emergency or epidemic, as determined by the state board of
12 health and as declared by the director of public health.